

REMARKS

By the above amendment, each of independent claims 1, 2 and 3 have been amended to recite the feature of at least one power source switch as represented by the switches 103 and 104 as illustrated in Fig. 1 of the drawings of this application. That is, as described at page 11, line 24 to page 13, line 23, for example, in relation to Figs. 1 and 6 of the drawings of this application, a compressor drive circuit 100 includes power source switches 103, 104 in order to supply a power from the commercial power source 101 to the compressors 1, 2, direct thereto or by way of an inverter circuit 102, and accordingly, the compressors 1, 2 are selectively operated under a drive at the frequency of the commercial power source 101 or under an inverter drive at a variable frequency. With this construction, compressors 1 and 2 can be interchanged with both inverter drive and commercial power source drive by way of selective connection the power source switches 103, 104 and if the inverter circuit fails, for example, both compressors 1, 2 can be connected through the power source switches 103 and 104 directly to the commercial power source. Also, as described, with the use of the power source switches 103, 104, by alternatively operating, at predetermined time intervals, improved control can be effected, the switching between inverter drive and commercial power source drive being illustrated in Fig. 6, for example, which feature is recited in new dependent claim 11.

The rejection of claims 1-10 under 35 U.S.C. 102(e) as being anticipated by Tsuboe et al (U.S. Patent Application 2002/0026806) is traversed insofar as it is applicable to the present claims, and reconsideration and withdrawal of the rejection are respectfully requested.

As to the requirements to support a rejection under 35 U.S.C. 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or

inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Irrespective of the position set forth by the Examiner, applicants submit that Tsuboe et al does not disclose in the sense of 35 U.S.C. 102 the provision of power source switches for supplying power to respective ones of the motors of the compressors directly from a commercial power source or for supplying power to respective ones of the motors by way of an inverter circuit as now recited in each of independent claims 1, 2 and 3 and the dependent claims thereof. That is, while Tsuboe et al apparently discloses that constant speed compressors can be driven by a commercially available electric power source and an embedded magnetic type synchronous motor can be driven by using an inverter power source which can change its frequency as described in paragraphs [0064], [0066] and [0067], for example, there is no disclosure in Tsuboe et al in the sense of 35 U.S.C. 102 or teaching in the sense of 35 U.S.C. 103 of power source switches for supplying power to respective ones of the motors of the compressors directly from a commercial power source or for supplying power to respective ones of the motors by way of an inverter circuit as recited in independent claims 1, 2 and 3 and the dependent claims thereof. Applicants note that claims 2 and 3 further define the selective connectability of the power source switches. Thus, applicants submit that the

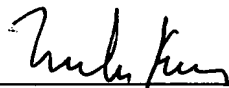
independent and dependent claims patentably distinguish over Tsuboe et al in the sense of 35 U.S.C. 102 and should be considered allowable thereover.

With respect to the dependent claims, applicants submit that the dependent claims recite further features, which when considered in conjunction with the parent claims, further patentably distinguish over the cited art. In this regard, applicants note that new dependent claim 11 which depends from claim 1, recites the feature that respective ones of the motors of the compressors which are driven by the inverter circuit are changed at predetermined time intervals, as illustrated in Fig. 6 of the drawings of this application and which features are not disclosed or taught by Tsuboe et al in the sense of 35 U.S.C. 102 or 35 U.S.C. 103. Thus, applicants submit that the dependent claims further patentably distinguish over the cited art and should now be in condition for allowance.

For the foregoing reasons, applicants submit that all claims present in this application patentably distinguish over the cited art and should now be in condition for allowance. Accordingly, issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (500.42913X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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